

Douglas W. Robinson (SBN: 255909)

[dwrobinson@shb.com](mailto:dwrobinson@shb.com)

Eva M. Weiler (SBN 233942)

[eweiler@shb.com](mailto:eweiler@shb.com)

**Shook, Hardy & Bacon, LLP**

Jamboree Center

5 Park Plaza, Suite 1600

Irvine, CA 92614

Tel: 949.475.1500

Fax: 949.475.0016

William C. Martucci (to seek pro hac vice admission)

Kristen A. Page (to seek pro hac vice admission)

[kpage@shb.com](mailto:kpage@shb.com) [wmartucci@shb.com](mailto:wmartucci@shb.com)

**Shook, Hardy & Bacon, LLP**

2555 Grand Blvd.

Kansas City, MO 64108

Tel: 816.474.6550

Fax: 816.421.5547

Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

JUAN ESTRADA, et al.

Plaintiff,

CSK AUTO, INC. d/b/a O'REILLY  
AUTO PARTS, et al.

Defendants.

) Case No. 3:14-cv-02888-GPC-NLS

) Judge: Hon. Gonzalo P. Curiel

) **CLASS ACTION**

) **JOINT MOTION TO TRANSFER  
CASE TO WESTERN DISTRICT OF  
MISSOURI (28 U.S.C. § 1404(A))**

1 Defendants CSK Auto, Inc. n/k/a O'Reilly Auto Enterprises, LLC d/b/a  
2 O'Reilly Auto Parts<sup>1</sup> and O'Reilly Automotive Stores, Inc. ("Defendants") and  
3 plaintiff Juan Estrada jointly move the Court for its order transferring the above-  
4 captioned action to the United States District Court for the Western District of  
5 Missouri, pursuant to 28 U.S.C. § 1404(a). Transfer would serve the convenience of  
6 the parties and witnesses, and the interests of justice, as contemplated by 28 U.S.C. §  
7 1404(a).

8 WHEREAS, Plaintiff Juan Estrada initiated his putative class action against  
9 Defendants on December 5, 2014, asserting Defendants violated the Fair Credit  
10 Reporting Act ("FCRA"), 15 U.S.C. §§ 1681b(b)(2)(A) and 1681d(a) and the  
11 Investigative Consumer Reporting Agencies Act ("ICRAA"), CAL. CIV. CODE §  
12 1786.16(b), by failing to comply with state and federal mandates for obtaining and  
13 using information from consumer and/or investigative consumer reports in connection  
14 with hiring processes (the "Estrada Action");

15 WHEREAS, on April 10, 2014, a first-filed and related putative class action,  
16 filed by plaintiff Rebecca Courtright, was removed to the U.S. District Court for the  
17 Western District of Missouri (the "Courtright Action"). The Courtright Action  
18 asserted claims that Defendants violated the FCRA by failing to provide her and other  
19 putative class members a copy of their consumer report, a reasonable notice period in  
20 which to challenge the consumer report, and a description in writing of rights under  
21 the FCRA prior to adverse action being taken;

22 WHEREAS, on July 14, 2014, plaintiffs Rebecca Courtright and Raphael Saye  
23 filed a First Amended Complaint in the Courtright Action ("Courtright/Saye Action"),  
24 adding parties and allegations, asserting Defendants violated the FCRA, ICRAA, and  
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26 <sup>1</sup> As a result of an internal corporate reorganization, CSK Auto, Inc. was converted to a limited liability company and  
27 renamed O'Reilly Auto Enterprises, LLC in January 2014.

1 California's Unfair Competition Law ("UCL"), CAL. BUS. & PROF. CODE § 17200, *et.*  
2 *seq.* in connection the procurement and use of consumer reports for employment  
3 purposes;

4 WHEREAS, the undersigned parties agree that the Estrada action is predicated  
5 on substantially similar facts and substantive allegations, and asserts claims on behalf  
6 of the same putative class, as the first filed (and now amended) Courtright/Saye  
7 Action;

8 WHEREAS, on January 20, 2015, Defendants filed their motion to dismiss,  
9 stay, or transfer the Estrada Action, pursuant to the first-to-file rule;

10 WHEREAS, pursuant to 28 U.S.C. § 1404(a), "[f]or the convenience of the  
11 parties and witnesses, in the interest of justice, a district court may transfer any civil  
12 action ... to any district or division to which all parties have consented;"

13 WHEREAS, the undersigned parties agree that Defendants' pending motion to  
14 dismiss, stay, or transfer the Estrada Action, set for hearing on April 24, 2015, should  
15 be taken off calendar in light of the parties' agreement to transfer the Estrada Action  
16 to the Western District of Missouri; and

17 WHEREAS, the parties agree that this joint motion is not intended to establish  
18 any of the requirements under FED. R. CIV. P. 23, and that the parties will not offer this  
19 joint motion in support of or in opposition to class certification, to the extent class  
20 certification is addressed in the Courtright/Saye and Estrada Actions.

21 NOW, THEREFORE, pursuant to 28 U.S.C. § 1404(a), and subject to the  
22 approval of the Court, the parties hereby jointly move for the Court's order  
23 transferring *Estrada v. CSK Auto, Inc. n/k/a O'Reilly Auto Enterprises, LLC d/b/a*  
24 *O'Reilly Auto Parts and O'Reilly Automotive Stores, Inc.*, Case NO. 3:14-cv-02888-  
25 GPC-NLS, from the Honorable Gonzalo P. Curiel of the Southern District of  
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1 California to the Honorable Gary A. Fenner of the Western District of Missouri and  
2 taking off calendar the April 24, 2015 hearing.

3 Dated: February 13, 2015

Respectfully submitted,

4 SHOOK HARDY & BACON L.L.P.

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6 By: /s/ Douglas W. Robinson  
Douglas W. Robinson

7 Attorneys for Defendants CSK AUTO,  
8 INC. n/k/a O'REILLY AUTO  
9 ENTERPRISES, LLC d/b/a O'REILLY  
10 AUTO PARTS and O'REILLY  
AUTOMOTIVE STORES, INC.

11 Dated: February 13, 2015

CAPSTONE LAW APC

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13 By: /s/ Raul Perez  
Raul Perez

14 Attorneys for Plaintiff JUAN ESTRADA  
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